



DIVISION OF DEVELOPMENTAL DISABILITIES
Olympia, Washington

TITLE: LIMITED ENGLISH PROFICIENT (LEP) CLIENTS POLICY 5.05

Authority: 42 USC 2000
28 CFR 35, 34 CFR 104, 45 CFR 84
49.60 RCW, RCW 74.04.025
WAC 10-08-150, *Adjudicative Proceedings--Interpreters*
Chapter 388-03 WAC, *Rules and Regulations for the Certification of DSHS Spoken Language Interpreters and Translators.*
Chapter 388-271 WAC, *Limited English proficient services.*
DSHS Administrative Policy 6.12, *Adjustment of Workload for Staff Who Provide Translation and Interpretation Services Outside of Their Workload*
DSHS Administrative Policy 7.20, *Communication Access for Persons Who are Deaf, Deaf/Blind, and Hard of Hearing*
DSHS Administrative Policy 7.21, *Provision of Services to Limited English Proficient (LEP) Clients*

PURPOSE

To establish a process to provide equal access to Division of Developmental Disabilities (DDD) services and programs to persons who do not speak or have a limited ability to speak, read, or write English well enough to understand and communicate effectively.

SCOPE

This policy applies to all employees of DDD.

POLICY

All persons who are Limited English Proficient (LEP) must have equal access to DDD services. Effective communication will be provided through DSHS certified bilingual staff. When that is not possible, a DSHS certified interpreter or a DSHS recognized professional association (e.g., American Translators Association, State of Washington Administrator for the Courts, etc.) must be provided to a client who requests the service, at no cost to the client.

DEFINITIONS

Auxiliary Aids includes qualified interpreters, assistive listening systems (loop FM and infrared), television captioning and decoders, video tapes, both open and closed captioned, TTY's, transcriptions, readers, taped texts, Braille and large print materials. Any similar device or service that is needed to make spoken or aural language accessible is also considered an auxiliary aid.

Certified Interpreter/Translator is a person certified by DSHS language fluency examination or a DSHS recognized professional association (e.g., American Translators Association, State of Washington Administrator for the Courts, etc.). Currently DSHS only certifies, through the testing process, the following languages: **Cambodian, Chinese-Cantonese, Chinese-Mandarin, Korean, Laotian, Spanish, Russian and Vietnamese**. All other interpreters/translators for languages other than those listed above are screened and qualified to provide those services by DSHS.

Interpreter is a person who can read and write English and another language well enough to accurately translate written material from one language into another. This person also understands the client's culture and is able to integrate that understanding into the translation of written material.

Limited English Proficient (LEP) is a limited ability to speak, read and/or write English well enough to communicate effectively. Clients determine if they are limited in their ability to speak, read or write English. This definition includes sensory impaired persons.

Primary Language is the language identified by the client as the language in which that person prefers to communicate.

Qualified Interpreter/Translator is a person who has passed the DSHS screening assessment in a language other than DSHS certified (tested) languages.

Sensory Impaired means hard of hearing, deaf, partially sighted and/or blind or physically unable to speak.

Sign Language and Sign Systems mean visual or tactile ways of communicating thoughts, ideas and feeling through American Sign Language or manual signs and gestures with specifically defined vocabulary.

Translator is a person who can read and write English and another language well enough to accurately translate written material from one language into another. This person also understands the client's culture and is able to integrate that understanding into the translation of written material.

Written Communications are DSHS publications, department forms and documents that:

- a. Describe services, client's rights and responsibilities, or changes in benefits, eligibility or service; or
- b. Request information from a client, a response on the part of a client, or notify a client of an adverse action; or
- c. Require a client's signature or informed consent.

PROCEDURES

Interpreter Services

A. Providing Services to LEP and Sensory Impaired Clients

1. Clients must be informed about and provided with free interpreter services as necessary to ensure equal access. Notification of this right must be included on all announcements for meeting to which clients, their parents/families, or the public are invited to participate. DDD is required to deliver services that recognize individual and cultural difference. All clients will be given equal access to services, information, and programs whether the department or contracted vendors deliver services.
2. Interpreters are used when interpreter services are:
 - a. Requested by the client;
 - b. Necessary for a client's eligibility for services;
 - c. Necessary for the client to access services.
3. LEP and Sensory Impaired (SI) clients are offered interpreter services or auxiliary aids at no cost to them and without significant delay.
 - a. Staff identifies LEP and SI clients during assessment and re-assessment.
 - b. LEP and SI clients are informed of their right to request an interpreter or auxiliary aide.
 - c. Staff shall not allow children under the age of 18 years to serve as interpreters.
 - d. LEP or SI clients may secure, at their expense, the services of their own interpreter.
 - e. LEP Interpreters and Translators for Spoken language must be certified and/or qualified by DSHS and comply with the DSHS code of professional conduct.
 - f. Interpreters for Sign Language must register with the Office for the Deaf and Hard of Hearing Services (ODHHS).

4. All signs on display in DDD Offices and Residential Habilitation Centers (RHCs) describing services, rights or responsibilities must be in the six (6) primary languages: English, Spanish, Chinese, Vietnamese, Cambodian and Laotian; and in large print.
5. All regions must maintain an up-to-date directory of DSHS certified interpreters.
6. Regional Administrators will review their translation and interpretation needs at least annually.
7. Staff must:
 - a. Utilize the statewide Translation contract, American Sign Language contract and Interpreter Brokerage contract for Spoken Languages;
 - b. Utilize the broker/contractor in their region when they require the use of an interpreter or translator;
 - c. Use the Spoken Language Brokered Interpreter Service Appointment Records form, DSHS 17-123, or approved broker form to request interpreters. Contact local business manager to find out which form is being used.

If the listed contractors cannot meet your needs, or you have an emergency, which requires the immediate attention, staff can access the Language Line.

Language Line: 1-800-261-6608 (Telephonic interpretation) – staff will need to contact their local business manager to determine the client ID number, organization name, and personal code. Then follow these steps:

- a. Dial the 800 number;
- b. Give:
 - i. Language needed;
 - ii. Organization name (Region, SOLA, RHC);
 - iii. Personal code (3 digit number)

B. Written Translation Services

1. Staff must request translation of Category 1 forms and records through their designated LEP Coordinator. Use DSHS 17-099, General Translation Request Form. Category 1 translations are publications, forms and records. Written materials used for outreach must be available in the six (6) primary languages and in enlarged print. Films or videos must be subtitled when necessary in order to address special language needs in services areas.

2. Client Specific translation requests, Category 2, will go through local business managers or Regional Administrator's designee. Use DSHS 17-120. Category 2 translations are client specific translations, such as letters.

SUPERSESSION

Division Policy 5.05
Issued December 17, 2002

Division Policy 5.05
Issued October 29, 2002

Division Policy 5.05
Issued August 5, 1998

Division Policy 5.05
Issued December 30, 1993

Division Policy Directive: 127
Issued May, 1990

Approved: /s/ Linda Rolfe
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